

CHAPTER 367

ELECTIONS

HOUSE BILL 21-1071

BY REPRESENTATIVE(S) Kennedy, Amabile, Bennett, Bird, Cutter, Exum, Gray, Herod, Hooton, Kipp, Lontine, McCluskie, McCormick, Michaelson Jenet, Ortiz, Roberts, Snyder, Valdez A., Weissman, Garnett, Boesenecker, Duran, Jackson, Jodeh, Titone;
also SENATOR(S) Fenberg and Winter, Bridges, Gonzales.

AN ACT**CONCERNING THE USE OF RANKED CHOICE VOTING IN NONPARTISAN ELECTIONS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 1-1-104, **amend** (23.4); and **add** (19.7) as follows:

1-1-104. Definitions. As used in this code, unless the context otherwise requires:

(19.7) "INSTANT RUNOFF VOTING" MEANS A RANKED VOTING METHOD USED TO SELECT A SINGLE WINNER IN A RACE, AS SET FORTH IN SECTION 1-7-1003 (3).

(23.4) "Overvote" means the selection by an elector of more names than there are persons to be elected to an office or the designation of more than one answer to a ballot question or ballot issue. "OVERVOTE" DOES NOT INCLUDE THE RANKING OF MULTIPLE CANDIDATES IN AN ELECTION USING INSTANT RUNOFF VOTING IN ACCORDANCE WITH PART 10 OF ARTICLE 7 OF THIS TITLE 1.

SECTION 2. In Colorado Revised Statutes, **amend** 1-5-601.5 as follows:

1-5-601.5. Compliance with federal requirements. (1) All voting systems and voting equipment offered for sale on or after May 28, 2004, ~~shall~~ **MUST** meet the voting systems standards that were promulgated in 2002 by the federal election commission. At his or her discretion, the secretary of state may require by rule that voting systems and voting equipment satisfy voting systems standards promulgated after January 1, 2008, by the federal election assistance commission as long as such standards meet or exceed those promulgated in 2002 by the federal election

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

commission. Subject to section 1-5-608.2, nothing in this section shall be construed to require any political subdivision to replace a voting system that is in use prior to May 28, 2004.

(2) A VOTING SYSTEM OR VOTING EQUIPMENT OFFERED FOR SALE OR LEASE FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING MUST MEET THE MINIMUM STANDARDS AND SPECIFICATIONS DEVELOPED BY THE SECRETARY OF STATE IN ACCORDANCE WITH SECTION 1-5-616 (1.5). IF STANDARDS RELATED TO INSTANT RUNOFF VOTING ARE PROMULGATED BY THE FEDERAL ELECTION COMMISSION, THE SECRETARY OF STATE MAY, AT THE SECRETARY OF STATE'S DISCRETION, REQUIRE BY RULE THAT A VOTING SYSTEM OR VOTING EQUIPMENT USED TO CONDUCT AN ELECTION USING INSTANT RUNOFF VOTING MEET THE FEDERAL STANDARDS, SO LONG AS THE FEDERAL STANDARDS MEET OR EXCEED THOSE PROMULGATED BY THE SECRETARY OF STATE.

SECTION 3. In Colorado Revised Statutes, 1-5-608.5, **add** (3.5) as follows:

1-5-608.5. Electronic and electromechanical voting systems - testing by federally accredited labs - certification and approval of purchasing of electronic and electromechanical voting systems by secretary of state - conditions of use by secretary of state - testing. (3.5) (a) ON AND AFTER DECEMBER 31, 2022, IF AN ELECTRONIC AND ELECTROMECHANICAL VOTING SYSTEM TESTED PURSUANT TO THIS SECTION SATISFIES THE REQUIREMENTS OF THIS PART 6 RELATED TO THE USE OF THE SYSTEM IN AN ELECTION USING INSTANT RUNOFF VOTING AND THE RULES ESTABLISHED BY THE SECRETARY OF STATE PURSUANT TO SECTION 1-5-616 (1.5), THE SECRETARY OF STATE SHALL CERTIFY SUCH SYSTEM AND APPROVE THE PURCHASE, INSTALLATION, AND USE OF SUCH SYSTEM BY POLITICAL SUBDIVISIONS IN AN ELECTION USING INSTANT RUNOFF VOTING.

(b) THE SECRETARY OF STATE MAY PROMULGATE CONDITIONS OF USE IN CONNECTION WITH THE USE BY POLITICAL SUBDIVISIONS OF AN ELECTRONIC AND ELECTROMECHANICAL VOTING SYSTEM IN AN ELECTION USING INSTANT RUNOFF VOTING AS MAY BE APPROPRIATE TO MITIGATE DEFICIENCIES IDENTIFIED IN THE CERTIFICATION PROCESS.

(c) IN UNDERTAKING THE CERTIFICATION REQUIRED BY THIS SECTION, THE SECRETARY OF STATE MAY CONSIDER PROCEDURES USED OR ADOPTED BY COUNTY CLERK AND RECORDERS OR BEST PRACTICES RECOMMENDED BY EQUIPMENT VENDORS.

SECTION 4. In Colorado Revised Statutes, 1-5-611, **amend** (1)(c) as follows:

1-5-611. Requirements - nonpunch card electronic voting systems. (1) No nonpunch card electronic voting system shall be purchased, leased, or used unless it fulfills the following requirements:

(c) It rejects any vote for an office or on a ballot issue if the number of votes exceeds the number the elector is entitled to cast; EXCEPT THAT, IF THE VOTING SYSTEM IS CERTIFIED FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING, THE VOTING SYSTEM MUST ALLOW THE ELECTOR TO RANK MULTIPLE CANDIDATES IN SUCH AN ELECTION IN ACCORDANCE WITH SECTION 1-7-1003 AND RULES ADOPTED

BY THE SECRETARY OF STATE;

SECTION 5. In Colorado Revised Statutes, **amend** 1-5-603 as follows:

1-5-603. Adoption and payment for voting machines. (1) The governing body of any political subdivision may adopt for use at elections any kind of voting machine fulfilling the requirements for voting machines set forth in this part 6. These voting machines may be used at any or all elections held in the political subdivision for casting, registering, and counting votes. EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, the governing body of any political subdivision which adopts and purchases or leases voting machines shall provide for the payment of the purchase price or the rent in such manner as may be in the best interest of the political subdivision and may for that purpose provide for the issuance of interest-bearing bonds, certificates of indebtedness, or other obligations, which shall be a charge upon the county. The bonds, certificates of indebtedness, or other obligations may be made payable at such times, not exceeding ten years from the date of issue, as may be determined by the governing body but shall not be issued or sold at less than par.

(2) (a) IF THE SECRETARY OF STATE CERTIFIES A VOTING SYSTEM FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING IN ACCORDANCE WITH SECTION 1-5-617 (1.5), THE SECRETARY OF STATE SHALL, IF POSSIBLE, NEGOTIATE A SINGLE ANNUAL STATEWIDE LICENSE WITH THE VOTING SYSTEM PROVIDER TO ALLOW EACH COUNTY THAT USES THE VOTING SYSTEM TO CONDUCT ELECTIONS USING INSTANT RUNOFF VOTING. THE SECRETARY OF STATE SHALL PAY FOR THE ANNUAL STATEWIDE LICENSE FROM THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3)(b).

(b) EACH COUNTY THAT USES A VOTING SYSTEM IN AN INSTANT RUNOFF VOTING ELECTION PURSUANT TO A LICENSE OBTAINED BY THE SECRETARY OF STATE IN ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION SHALL REIMBURSE THE SECRETARY OF STATE FOR ITS PROPORTIONATE SHARE OF THE COST OF THE ANNUAL STATEWIDE LICENSE FOR THAT YEAR. THE SECRETARY OF STATE SHALL INVOICE ANY COUNTY THAT USES THE VOTING SYSTEM IN AN INSTANT RUNOFF VOTING ELECTION FOR ITS SHARE OF THE COST AS A PROPORTION OF THE TOTAL NUMBER OF COUNTIES THAT USED THE SYSTEM PURSUANT TO THE STATEWIDE LICENSE IN THAT YEAR.

SECTION 6. In Colorado Revised Statutes, 1-5-615, **add** (1.5) as follows:

1-5-615. Electronic and electromechanical voting systems - requirements.

(1.5) THE SECRETARY OF STATE SHALL NOT CERTIFY ANY ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING UNLESS, IN ADDITION TO MEETING THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE SYSTEM MEETS THE REQUIREMENTS AND PERFORMS THE FUNCTIONS REQUIRED BY SECTION 1-7-1003.

SECTION 7. In Colorado Revised Statutes, 1-5-616, **amend** (2) and (4); and **add** (1.5) as follows:

1-5-616. Electronic and electromechanical voting systems - standards - procedures. (1.5) ON OR BEFORE DECEMBER 31, 2022, THE RULES ADOPTED BY THE

SECRETARY OF STATE PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST INCLUDE THE MINIMUM SYSTEM REQUIREMENTS AND SPECIFICATIONS FOR ELECTRONIC AND ELECTROMECHANICAL VOTING SYSTEMS USED TO CONDUCT ELECTIONS USING INSTANT RUNOFF VOTING.

(2) The secretary of state may review the rules adopted pursuant to ~~subsection (1)~~ SUBSECTIONS (1) AND (1.5) of this section governing standards for certification of electronic or electromechanical voting systems to determine the adequacy and effectiveness of the rules in assuring that elections achieve the standards established by section 1-1-103.

(4) The secretary of state shall adapt the standards for certification of electronic or electromechanical voting systems established by rule pursuant to ~~subsection (1)~~ SUBSECTIONS (1) AND (1.5) of this section to ensure that new technologies that meet the requirements for such systems are certified in a timely manner and available for selection by political subdivisions and meet user standards.

SECTION 8. In Colorado Revised Statutes, 1-5-617, **add** (1.5) as follows:

1-5-617. Examination - testing - certification. (1.5) (a) ON AND AFTER DECEMBER 31, 2022, AFTER AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM IS TESTED IN ACCORDANCE WITH SECTION 1-5-608.5 (3.5) FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING, THE VOTING SYSTEM PROVIDER MAY SUBMIT THE SYSTEM TO THE SECRETARY OF STATE FOR CERTIFICATION FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING.

(b) THE SECRETARY OF STATE SHALL EXAMINE EACH ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM SUBMITTED FOR CERTIFICATION AND DETERMINE WHETHER THE SYSTEM COMPLIES WITH THE REQUIREMENTS OF SECTION 1-5-615 AND THE STANDARDS ESTABLISHED UNDER SECTION 1-5-616 FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING.

(c) THE SECRETARY OF STATE SHALL DECIDE WHETHER TO CERTIFY AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING WITHIN ONE HUNDRED TWENTY DAYS AFTER THE SYSTEM IS SUBMITTED FOR CERTIFICATION.

SECTION 9. In Colorado Revised Statutes, 1-7-116, **add** (1)(d) as follows:

1-7-116. Coordinated elections - definition. (1) (d) ON AND AFTER JANUARY 1, 2023, A STATUTORY CITY OR TOWN OR HOME RULE MUNICIPALITY MAY REFER A MUNICIPAL ELECTION USING INSTANT RUNOFF VOTING TO BE CONDUCTED AS PART OF A COORDINATED ELECTION IN ACCORDANCE WITH SECTION 1-7-118. IF REQUIRED BY SECTION 1-7-118, A COUNTY CLERK AND RECORDER SHALL CONDUCT THE ELECTION ON BEHALF OF THE MUNICIPALITY AS PART OF THE COORDINATED ELECTION IN ACCORDANCE WITH THIS SECTION AND SECTION 1-7-118. FAILURE TO RECEIVE THE NOTICE REQUIRED BY SECTION 1-7-118 IN A TIMELY MANNER DOES NOT PROHIBIT THE COUNTY CLERK AND RECORDER FROM ENTERING INTO AND PERFORMING AN INTERGOVERNMENTAL AGREEMENT TO CONDUCT THE INSTANT RUNOFF VOTING ELECTION AS PART OF THE COORDINATED ELECTION.

SECTION 10. In Colorado Revised Statutes, **add** 1-7-118 as follows:

1-7-118. Ranked voting in a coordinated election - procedure - costs - definition. (1) ON AND AFTER JANUARY 1, 2023, A MUNICIPALITY LOCATED IN A SINGLE COUNTY THAT TAKES FORMAL ACTION TO CONDUCT AN ELECTION USING INSTANT RUNOFF VOTING MAY REFER THE ELECTION TO BE CONDUCTED AS PART OF A COORDINATED ELECTION, AS DEFINED IN SECTION 1-7-116, BY PROVIDING WRITTEN NOTICE TO THE COUNTY CLERK AND RECORDER CONDUCTING THE ELECTION AT LEAST ONE HUNDRED DAYS BEFORE THE ELECTION. IF THE COUNTY USES A VOTING SYSTEM THAT IS CERTIFIED BY THE SECRETARY OF STATE FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING, THE COUNTY CLERK AND RECORDER SHALL CONDUCT THE ELECTION AS PART OF THE COORDINATED ELECTION IN ACCORDANCE WITH THIS SECTION AND SECTION 1-7-116. IN ADDITION TO THE REQUIREMENTS OF SECTION 1-7-116(2), THE AGREEMENT BETWEEN THE COUNTY CLERK AND RECORDER AND THE MUNICIPALITY MUST INCLUDE A PLAN FOR CONDUCTING THE VOTER EDUCATION CAMPAIGN REQUIRED BY SECTION 1-7-1003 (5)(b). THE COUNTY CLERK AND RECORDER CONDUCTING THE ELECTION SHALL, WITH INPUT FROM THE MUNICIPALITY, DETERMINE THE MAXIMUM NUMBER OF CHOICES AN ELECTOR MAY RANK IN ACCORDANCE WITH SECTION 1-7-1003 (1).

(2) A MUNICIPALITY THAT REFERS AN ELECTION USING INSTANT RUNOFF VOTING TO BE CONDUCTED AS PART OF A COORDINATED ELECTION SHALL PAY FOR THE REASONABLE INCREASED COSTS ASSOCIATED WITH THE USE OF INSTANT RUNOFF VOTING IN THE COORDINATED ELECTION, INCLUDING BUT NOT LIMITED TO COSTS RELATED TO ELECTION SETUP LICENSING COSTS PURSUANT TO SECTION 1-5-603 (2), PROGRAMMING, BALLOT DESIGN, ADDITIONAL VOTER INFORMATION AND EDUCATION, AND TABULATION.

(3) (a) ON AND AFTER JULY 1, 2026, A MUNICIPALITY LOCATED IN MORE THAN ONE COUNTY THAT TAKES FORMAL ACTION TO CONDUCT AN ELECTION USING INSTANT RUNOFF VOTING MAY REFER THE ELECTION TO BE CONDUCTED AS PART OF A COORDINATED ELECTION, AS DEFINED IN SECTION 1-7-116, BY PROVIDING WRITTEN NOTICE TO EACH COUNTY CLERK AND RECORDER CONDUCTING THE ELECTION AT LEAST ONE HUNDRED DAYS BEFORE THE ELECTION. THE COUNTY CLERK AND RECORDER OF EACH SUCH COUNTY SHALL CONDUCT THE ELECTION AS PART OF THE COORDINATED ELECTION ONLY IF:

(I) THE MUNICIPALITY TIMELY PROVIDES THE NOTICE REQUIRED BY SUBSECTION (1) OF THIS SECTION TO EACH COUNTY CLERK AND RECORDER;

(II) EACH COUNTY CLERK AND RECORDER USES A VOTING SYSTEM THAT IS CERTIFIED BY THE SECRETARY OF STATE FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING; AND

(III) THE DATA FROM THE VOTING SYSTEMS USED BY ALL SUCH COUNTIES CAN BE TABULATED TOGETHER IN ACCORDANCE WITH RULES ESTABLISHED BY THE SECRETARY OF STATE IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION.

(b) IF THE REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION ARE MET, THE MUNICIPALITY AND THE COUNTIES SHALL ENTER INTO AN AGREEMENT CONCERNING THE CONDUCT OF THE ELECTION IN ACCORDANCE WITH SECTION 1-7-116 (2). IN

ADDITION TO THE REQUIREMENTS OF SECTION 1-7-116 (2), THE AGREEMENT MUST:

(I) INCLUDE A PLAN FOR CONDUCTING THE VOTER EDUCATION CAMPAIGN REQUIRED BY SECTION 1-7-1003 (5)(b);

(II) ESTABLISH THE MAXIMUM NUMBER OF CHOICES AN ELECTOR MAY RANK ON THE BALLOT IN ACCORDANCE WITH SECTION 1-7-1003 (1); AND

(III) ADOPT PROCEDURES FOR THE COUNTY CANVASS BOARDS TO RECONCILE THE BALLOTS AND CERTIFY THE ABSTRACT OF VOTES FOR THE INSTANT RUNOFF VOTING ELECTION IN ACCORDANCE WITH RULES ESTABLISHED BY THE SECRETARY OF STATE PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(c) IF THE REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION ARE NOT MET, THE INSTANT RUNOFF VOTING ELECTION SHALL NOT BE CONDUCTED AS PART OF THE COORDINATED ELECTION. THE MUNICIPALITY MAY CONDUCT THE ELECTION IN ACCORDANCE WITH PART 10 OF THIS ARTICLE 7 OR THE MUNICIPALITY'S CHARTER, AS APPLICABLE, AND THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31.

(4) FOR EACH ELECTION USING INSTANT RUNOFF VOTING THAT IS CONDUCTED AS PART OF A COORDINATED ELECTION:

(a) EACH COUNTY CLERK AND RECORDER CONDUCTING THE ELECTION SHALL PROVIDE THE EXPLANATION OF RANKED VOTING AND INSTRUCTIONS FOR ELECTORS REQUIRED BY SECTION 1-7-1003 (5)(a); AND

(b) IF THE INSTANT RUNOFF VOTING ELECTION IS CONDUCTED IN MULTIPLE COUNTIES PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, EACH COUNTY CANVASS BOARD SHALL CERTIFY THE ABSTRACT OF VOTES CAST AND PROVIDE TABULATION DATA TO THE DESIGNATED ELECTION OFFICIAL FOR THE MUNICIPALITY IN ACCORDANCE WITH RULES PROMULGATED BY THE SECRETARY OF STATE.

(5) ON OR BEFORE APRIL 1, 2023, THE SECRETARY OF STATE SHALL ADOPT RULES CONCERNING THE TABULATION, REPORTING, AND CANVASSING OF RESULTS FOR A COORDINATED ELECTION USING INSTANT RUNOFF VOTING CONDUCTED BY A SINGLE COUNTY. ON OR BEFORE JANUARY 1, 2025, THE RULES MUST INCLUDE PROVISIONS FOR AN INSTANT RUNOFF VOTING ELECTION CONDUCTED BY MULTIPLE COUNTIES.

(6) AS USED IN THIS SECTION, "MUNICIPALITY" MEANS A STATUTORY CITY OR TOWN OR A HOME RULE MUNICIPALITY.

SECTION 11. In Colorado Revised Statutes, 1-7-309, **amend** (1) as follows:

1-7-309. Determination of improperly marked ballots. (1) Votes cast for an office to be filled or a ballot issue to be decided shall not be counted if an elector marks more names than there are persons to be elected to an office or if for any reason it is impossible to determine the elector's choice of candidate or vote concerning the ballot issue; EXCEPT THAT AN ELECTOR'S RANKINGS OF MULTIPLE CANDIDATES IN AN ELECTION USING INSTANT RUNOFF VOTING SHALL BE RECORDED AND COUNTED IN ACCORDANCE WITH SECTION 1-7-1003 AND RULES PROMULGATED

BY THE SECRETARY OF STATE.

SECTION 12. In Colorado Revised Statutes, 1-7-508, **amend** (2) as follows:

1-7-508. Determination of improperly marked ballots. (2) Votes cast for an office to be filled or a ballot question or ballot issue to be decided shall not be counted if a voter marks more names than there are persons to be elected to an office or if for any reason it is impossible to determine the elector's choice of candidate or vote concerning the ballot question or ballot issue; EXCEPT THAT AN ELECTOR'S RANKINGS OF MULTIPLE CANDIDATES IN AN ELECTION USING INSTANT RUNOFF VOTING SHALL BE RECORDED AND COUNTED IN ACCORDANCE WITH SECTION 1-7-1003 AND RULES PROMULGATED BY THE SECRETARY OF STATE. A defective or an incomplete mark on any ballot in a proper place shall be counted if no other mark is on the ballot indicating an intention to vote for some other candidate or ballot question or ballot issue.

SECTION 13. In Colorado Revised Statutes, 1-7-509, **amend** (2)(a) and (6) as follows:

1-7-509. Electronic and electromechanical vote counting - testing of equipment required - definition. (2) (a) A public test of voting equipment shall be conducted prior to the commencement of voting in accordance with this section by processing a preaudited group of ballots produced so as to record a predetermined number of valid votes for each candidate and on each ballot question or ballot issue. The test shall ensure that the system accurately records votes when the elector has the option of voting for more than one candidate in a race. The test shall ensure that the voting system properly rejects and does not count overvotes and undervotes. IF THE EQUIPMENT IS TO BE USED IN AN ELECTION USING INSTANT RUNOFF VOTING, THE TEST SHALL ENSURE THAT THE VOTING SYSTEM ACCURATELY RECORDS, COUNTS, AND TABULATES AN ELECTOR'S RANKINGS OF MULTIPLE CANDIDATES IN ACCORDANCE WITH SECTION 1-7-1003 AND RULES PROMULGATED BY THE SECRETARY OF STATE.

(6) The secretary of state shall promulgate rules in accordance with article 4 of title 24 ~~C.R.S.~~, prescribing the manner of performing the logic and accuracy testing required by this section. ON OR BEFORE APRIL 1, 2023, THE RULES PROMULGATED IN ACCORDANCE WITH THIS SUBSECTION (6) MUST INCLUDE STANDARDS AND PROCEDURES FOR CONDUCTING LOGIC AND ACCURACY TESTING ON VOTING EQUIPMENT TO BE USED IN AN ELECTION USING INSTANT RUNOFF VOTING.

SECTION 14. In Colorado Revised Statutes, 1-7-515, **amend** (4) as follows:

1-7-515. Risk-limiting audits - rules - legislative declaration - definitions. (4) (a) The secretary of state shall promulgate rules in accordance with article 4 of title 24 ~~C.R.S.~~, as may be necessary to implement and administer the requirements of this section. In connection with the promulgation of the rules, the secretary shall consult recognized statistical experts, equipment vendors, and county clerk and recorders, and shall consider best practices for conducting risk-limiting audits.

(b) (I) ON OR BEFORE JANUARY 1, 2025, THE SECRETARY OF STATE SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AS NECESSARY

TO CONDUCT RISK LIMITING AUDITS IN AN ELECTION USING INSTANT RUNOFF VOTING. IN CONNECTION WITH THE PROMULGATION OF THE RULES, THE SECRETARY SHALL CONSULT RECOGNIZED STATISTICAL EXPERTS, EQUIPMENT VENDORS, AND COUNTY CLERK AND RECORDERS, AND SHALL CONSIDER BEST PRACTICES FOR CONDUCTING RISK-LIMITING AUDITS. THE SECRETARY OF STATE MAY CONSULT WITH ADDITIONAL AUDITING EXPERTS.

(II) A COUNTY SHALL AUDIT AN ELECTION USING INSTANT VOTING CONDUCTED AS PART OF A COORDINATED ELECTION BEFORE DECEMBER 31, 2023, IN ACCORDANCE WITH RULES ADOPTED BY THE SECRETARY OF STATE RELATED TO RANKED CHOICE OR INSTANT RUNOFF VOTING, OR, IF NO SUCH RULES ARE ADOPTED, IN ACCORDANCE WITH PROCEDURES ADOPTED BY THE COUNTY CLERK AND RECORDER.

SECTION 15. In Colorado Revised Statutes, 24-21-104.5, **add** (3) as follows:

24-21-104.5. General fund appropriation - cash fund appropriation - elections - legislative intent. (3) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF STATE AS NECESSARY TO PAY FOR THE COSTS OF IMPLEMENTING THE PROVISIONS OF HOUSE BILL 21-1071, ENACTED IN 2021.

SECTION 16. In Colorado Revised Statutes, 1-7-1003, **amend** (7)(a)(II) and (7)(a)(III) as follows:

1-7-1003. Conduct of elections using ranked voting methods - instant runoff voting - choice voting or proportional voting - reports. (7) (a) For an election conducted using a ranked voting method, the designated election official shall issue the following reports:

(II) A ballot image report listing for each ballot the order in which the elector ranked the candidates ~~the precinct of the ballot, and whether the ballot is a mail ballot;~~ and

(III) A comprehensive report listing the results in the summary report by precinct OR BALLOT STYLE, AS REQUIRED OR PERMITTED BY SECTION 1-7.5-208 (3)(a).

SECTION 17. In Colorado Revised Statutes, 31-4-202, **amend** (1), (3)(b), and (4)(b) as follows:

31-4-202. Petition - election. (1) When a petition, signed by five percent of the registered electors of the municipality, requesting an election on the question of adopting the city council-city manager form of government is presented to the city council, the city council shall adopt an ordinance calling for an election upon such question to be held within four calendar months from the date of the presentation of such petition. The petition shall state whether the mayor under such form of government shall be elected by and from among the members of the city council or from the city at large by ~~a plurality of the votes cast for that office~~ THE REGISTERED ELECTORS OF THE CITY at the regular election. The question of adopting such form of government shall be submitted to the registered electors of the city at a special or regular election to be conducted in accordance with the provisions of the

"Colorado Municipal Election Code of 1965".

(3) (b) If the petition requests that the mayor be elected from the city at large by ~~a plurality of the votes cast for that office~~ THE REGISTERED ELECTORS OF THE CITY at the regular election, the question to be submitted at such election shall be: "Shall the city of (name of city) reorganize by adopting the City Council-City Manager form of government, as provided in part 2 of article 4 of title 31, Colorado Revised Statutes, with the mayor to be elected by ~~a plurality of the votes cast for that office~~ THE REGISTERED ELECTORS OF THE CITY at the regular election?". The form of ballot or voting machine tabs shall be: "For City Council-City Manager Form - Mayor elected by Popular Vote" and "Against City Council-City Manager Form - Mayor elected by Popular Vote".

(4) The registered electors of any city which has previously reorganized into the city council-city manager form of government under this part 2 may, at any time, petition in the manner set forth in subsection (1) of this section for an election on:

(b) Retaining the city council-city manager form of government but with the mayor to be elected by ~~a plurality of the votes cast for that office~~ THE REGISTERED ELECTORS OF THE CITY at the regular election rather than elected by and from among the members of the city council; or

SECTION 18. In Colorado Revised Statutes, 31-4-207, **amend** (2) as follows:

31-4-207. Mayor - selection. (2) If the mayor is to be elected ~~by popular vote~~ FROM THE CITY AT LARGE, he or she shall be elected by ~~a plurality of the votes cast for that office~~ THE REGISTERED ELECTORS OF THE CITY at the regular election in the city. The mayor shall be a registered elector who has resided within the limits of the city for a period of at least twelve consecutive months immediately preceding the date of the election; except that, in the case of annexation, any person who has resided within the annexed territory for the time prescribed in this subsection (2) shall be deemed to have met the residence requirements for the city to which the territory was annexed. The mayor shall assume his or her office at the next regularly scheduled meeting of the city council following his or her election or upon such earlier date as the council may specify. Except as otherwise provided in subsection (3) of this section, the mayor shall hold his or her office for a term of two years. At the same meeting of the city council, the city council shall choose, by a majority vote, one of its members to act as mayor pro tem in the temporary absence of the mayor. The city council may appoint one of its members acting mayor in the event both the mayor and the mayor pro tem are temporarily absent from the city or unable to perform the duties of the mayor. In case of a vacancy in the office of the mayor, the city council shall choose his successor for the unexpired term.

SECTION 19. Act subject to petition - effective date. This act takes effect July 1, 2022; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people

at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 28, 2021